



PUYALLUP TRIBE OF INDIANS



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VIA ELECTRONIC MAIL (GAP-RULE@ECY.WA.GOV)

Fran Sant
Rulemaking Lead
Washington State Department of Ecology
Shorelands and Environmental Assistance
P.O. Box 47600
Olympia, WA 98504

RE: Chapter 173-445 WAC Greenhouse Gas Assessment for Projects (GAP)
Rule Draft Language for Informal Review

I am writing to provide preliminary comments on the upcoming rulemaking entitled the Greenhouse Gas Assessment for Projects (GA) Rule on behalf of the Puyallup Tribe. The Tribe looks forward to providing more detailed technical comments throughout the rulemaking process and through government to government consultation. We have had the opportunity to review the preliminary documents and slideshows from presentations made throughout the last year. As rulemaking proceeds, we look forward to receiving more information on the proposed rule.

At this time, we have the following preliminary comments:

1. The Rule Should Require the Use of the Most Recent and Up to Date Science. In the applicability section, Ecology may be allowing the use of outdated global warming potentials to determine the facilities to which this rule would apply. While perhaps convenience might dictate the use of consistent standards, to rely on outdated science would set this rule up to be less than effective in addressing the analysis of greenhouse gases. The greenhouse gas assessment, which is critical in reaching Governor Inslee's objectives in the recent directive, should use the most recent and best available science. The basis for the reporting rule's GWP are outdated, and for the GAP rule we should require more recent and viable GWPs. Allowing the use of AR4, while AR5 would provide the most up to date best available science, allows facilities to escape review that will have a substantial impact on greenhouse gas emissions and adverse climate impacts. Such a position is not supported by science, and inconsistent with the goals set for addressing greenhouse gases.

2. Tribal Input. It appears a list of environmental groups and NGO's were taking part in submitting early comments and stakeholder discussions, but that list did not include tribes. Tribes should be consulted with on a government to government basis, individually, to provide comments that will be unique to each Tribe in Washington. The Puyallup Tribe looks forward to subsequent meaningful consultation.
3. Mitigation. Mitigation of the impacts – GHG emissions – must occur for ALL additional GHG emissions. To suggest that only some portion of the GHG impacts be mitigated suggests that the directive from the Governor was something less than requiring mitigation of all new greenhouse gas emissions. Governor Inslee stressed the need to curb increased GHG emissions, therefore, any additional GHG emissions should be mitigated. Mitigation of less than all the additional greenhouse gas emissions is contrary to the intent of the directive.
4. Type of Mitigation. Mitigation should be tangible, and able to be monitored for its intended performance. Mitigation must be based on reputable science, and one that conservatively falls on the side of mitigating fully rather than partial mitigation potential. Mitigation should be local, as it benefits the communities where the project is located to have those efforts applied in the communities directly impacted. In addition, it is well known that mitigation for GHG impacts, by their nature, could have a host of other consequential benefits, and those benefits should be received in the communities most impacted. Disproportionately impacted communities should receive mitigation benefit priority.

The Puyallup Tribe looks forward to more detailed consultation on the upcoming draft rule to address specific impacts to the Tribe, its sovereignty, and its cultural and natural resources. I will reach out to coordinate a more technical discussion to lead to a fruitful leadership level consultation. Please contact me with any questions and concerns at (253) 573-7852.

Sincerely,

Lisa A.H. Anderson